

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI**

WALTER RAGLIN,

Petitioner,

-vs-

BETTY MITCHELL, Warden,

Respondent.

:

Case No. 1:00-cv-767

:

District Judge Michael R. Barrett
Magistrate Judge Michael R. Merz

:

ORDER TO MAINTAIN DOCUMENTS UNDER SEAL

This capital habeas corpus case is before the Court *sua sponte* upon the filing of Respondent's Notice of Resubmission of the Appendix and Supplemental Appendix to the Return of Writ (ECF No. 336). At the suggestion of Deputy Clerk Barbara Crum, the Magistrate Judge has examined portions of that filing and concludes that to protect the privacy interests of the victim in this case, the following documents be removed from the public file and be maintained by the Clerk under seal: Photographs labeled State's Exhibits 14-22 and 24, appearing in the record at PageID 10353-61 and PageID 10363. In lieu of those exhibits, Respondent is ordered, pursuant to Fed.R.Civ.P. 5.2, to file a list giving a text description of what those exhibits purport to show.

In entering this Order, the Magistrate Judge is mindful of the cautions in *Shane Group, Inc., v. Blue Cross Blue Shield of Michigan*, 825 F.3d 299, 306 (6th Cir. 2016)(Kethledge, J.). I particularly note that the public interest in the subject matter of this case – whether Petitioner

should be granted habeas corpus relief from his conviction for aggravated murder and his sentence of death – is extremely high. The exhibits in question are photographs of the decedent at the crime scene. So far as the Magistrate Judge is aware, nothing depicted in these photographs is necessary or even useful to the public in assessing the handling of this case by the courts which have been involved. Conversely, there is a serious risk to the dignity and privacy interests of the decedent in the possibility that these photographs might be widely disseminated on the internet.

The Magistrate Judge is also mindful that Respondent's filing is in response to an order of the Sixth Circuit to whom the final judgment in this case has been appealed (ECF No. 335). Nothing in the Sixth Circuit's Order suggests that this Order would be in conflict with the intention of the Sixth Circuit in ordering digitization of the record. If the Magistrate Judge is in error in that reading, he apologizes to the Court of Appeals which, of course, has authority to correct that error.

April 6, 2020.

s/ Michael R. Merz
United States Magistrate Judge